

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CARL DEAN EDWARDS,

Plaintiff,

vs.

JOHN CASEL, *et al.*,

Defendants.

Case No. 2:10-cv-0973-RLH-GWF

ORDER

In Forma Pauperis Application (#1)

This matter is before the Court on Plaintiff's Application to Proceed *In Forma Pauperis* (#1), filed June 18, 2010.

Pursuant to 28 U.S.C. § 1914(a), a filing fee of \$350.00 is required to commence a civil action in federal district court. The Court may waive the filing fee where a prisoner-plaintiff complies with the strict application to proceed *in forma pauperis* filing requirements imposed by the Prison Litigation Reform Act. *See* 28 U.S.C. § 1915; *Page v. Torrey*, 201 F.3d 1136, 1139 (9th Cir. 2000). These include the requirements that prisoner-plaintiff seeking to proceed *in forma pauperis* 1) submits a certified copy of his prisoner trust fund account statement for the previous six months, 2) pays the full amount of the filing fee and 3) that a prisoner seeking to file an action regarding prison conditions first exhausts available administrative remedies, *see* 28 U.S.C. § 1915(a)-(b); *Page*, 201 F.3d at 1139.

In the present application to proceed *in forma pauperis*, Plaintiff Carl D. Edwards states that he is unable to pay the filing fee . (#1). Upon review and consideration, the Court finds that Plaintiff's application to proceed *in forma pauperis* does not meet the specific requirements of 28 U.S.C. § 1915.


1 Plaintiff's financial disclosure fails to state his last date of employment and the amount of his last
2 salary. (#1). In addition, Plaintiff has failed to submit a certified copy of his prisoner trust fund
3 account statement for the previous six months as required by 28 U.S.C. § 1915(a)(2). Without this
4 information, Plaintiff's application is incomplete and Court is unable to grant Plaintiff leave to proceed
5 *in forma pauperis*.

6 The Court will grant Plaintiff leave to reapply to proceed *in forma pauperis* by submitting a new
7 application, which shall include the specific information requested on the form and a certified prisoner
8 trust fund statement as required by 28 U.S.C. § 1915(a)(2). Accordingly,

9 **IT IS HEREBY ORDERED** that Plaintiff's Application to Proceed *In Forma Pauperis* (#1) is
10 **denied** without prejudice.

11 **IT IS FURTHER ORDERED** that Plaintiff shall have until **thirty (30) days** from the date of
12 this order to either pay the appropriate filing fee of \$350.00, or submit a completed application,
13 affidavit and certified prisoner trust fund statement. Plaintiff's failure to comply with this order will
14 result in the recommendation that this action be dismissed.

15 DATED this 31st day of January, 2011.

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18 **GEORGE FOLEY, JR.**
19 **UNITED STATES MAGISTRATE JUDGE**
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